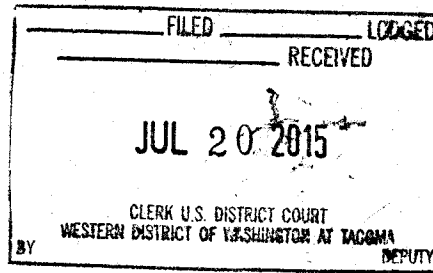


Magistrate Judge



UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JODIE D. HULL,

Defendant.

No. CR15-5005

FINDINGS AND ORDER ACCEPTING
DEFENDANT FOR DEFERRED
PROSECUTION, APPROVING
TREATMENT PLAN, AND
DIRECTING DEFENDANT TO TAKE
TREATMENT AS PRESCRIBED

THIS MATTER, coming on for hearing this 20th day of July, 2015 upon the defendant's Petition for Deferred Prosecution; the defendant appearing in person and by her attorney, Daniel J. Murphy, Jr.; the United States of America being represented by Barbara J. Sievers, Assistant United States Attorney; the Court, having examined and incorporated into the record Petitioner's Petition and Statement in support of deferred prosecution, the evaluation and treatment report prepared by Front Street Clinic and Naval Hospital Bremerton, and the files and records herein, being fully advised in the premises, does now make and enter the following:

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I. FINDINGS OF FACT

A. On or about the November 1, 2014, Petitioner was charged with the offense/offenses charged in the Information. This offense occurred as a direct result of alcoholism/chemical dependency problems;

B. Petitioner suffers from an alcohol/drug problem and a mental health problem and is in need of treatment;

C. The probability of similar misconduct in the future is great if the problem is not treated;

D. Petitioner is amenable to treatment;

E. An effective rehabilitative treatment plan is available to Petitioner through Front Street Clinic and Naval Hospital Bremerton, an approved treatment facility as designated by the laws of the State of Washington, and Petitioner agrees to be liable for all costs of this treatment program;

F. That Petitioner agrees to comply with the terms and conditions of the program offered by the treatment facility as set forth in the diagnostic evaluation from Front Street Clinic and Naval Hospital Bremerton, attached to Statement of Petitioner filed herewith, and that Petitioner agrees to be liable for all costs of this treatment program;

G. That Petitioner has knowingly and voluntarily stipulated to the admissibility and sufficiency of the facts as contained in the written police report attached to Statement of Petitioner filed herewith.

H. That Petitioner has acknowledged the admissibility of the stipulated facts in any criminal hearing or trial on the underlying offense or offenses held subsequent to revocation of this Order Granting Deferred Prosecution and that these reports will be used to support a finding of guilt;

From the foregoing FINDINGS OF FACT, the Court draws the following:

II. CONCLUSIONS OF LAW

A. That the above-entitled Court has jurisdiction over the subject matter and Petitioner JODIE D. HULL, in this case;

B. That Petitioner's Petition for Deferred Prosecution meets the requirements of RCW 10.05 et seq.;

C. That the diagnostic evaluation and commitment to treatment meets the requirements of RCW 10.05.150;

D. That Petitioner is eligible for deferred prosecution.

III. ORDER

Having made and entered the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW, it is hereby

ORDERED that the defendant is accepted for deferred prosecution. The prosecution of the above-entitled matter is hereby deferred for five (5) years pursuant to RCW 10.05 et seq., upon the following terms and conditions:

A. Petitioner shall be on probation for the deferral period and follow the rules and regulations of probation;

B. Petitioner shall enroll in and successfully complete the two-year treatment program recommended by Front Street Clinic and Naval Hospital Bremerton according to the terms and conditions of that plan as outlined in the diagnostic evaluation, a true copy of which is attached to the Petition and incorporated herein by reference. Petitioner shall not change treatment agencies without prior Probation approval;

C. The treatment facilities, Front Street Clinic and Naval Hospital Bremerton, shall file with the United States Probation Office status reports of Petitioner's compliance with treatment, monthly during the first year of the deferred prosecution period and every three (3) months during the second year. The Court may increase the frequency of these reports at its discretion;

1 D. Petitioner shall notify U.S. Probation within 72 hours of any residence
2 change.

3 E. Petitioner shall abstain during the deferred prosecution period from any
4 and all consumption of alcoholic beverages and/or non-prescribed mind-altering drugs;

5 F. Petitioner shall not operate a motor vehicle on the public highways
6 without a valid operator's license and proof of liability insurance sufficient to comply
7 with the state laws on financial responsibility;

8 G. Petitioner shall be law abiding and shall not commit any alcohol/drug
9 related offenses or other criminal offenses during the period of deferral,

10 H. Petitioner shall notify U.S. Probation within 72 hours of being arrested,
11 questioned, or cited by Law Enforcement;

12 I. In the event that Petitioner fails or neglects to carry out and fulfill any
13 term or condition of her treatment plan or violates any provision of this Order or any
14 rule or regulation of her probation officer, upon receiving notice, the Court shall hold a
15 hearing to determine why Petitioner should not be removed from deferred prosecution
16 and prosecuted for the offense/offenses charged;

17 J. In the event the Court finds cause to revoke this deferred prosecution, the
18 stipulated police reports shall be admitted into evidence, and Petitioner shall have her
19 guilt or innocence determined by the Court;

20 K. That the statement of Petitioner for Deferred Prosecution shall remain
21 sealed, and all subsequent reports or documents relating to her treatment information
22 shall be sealed, to maintain confidentiality of Petitioner's treatment information;

23 L. That the Department of Licensing be notified of this Order accepting the
24 Petitioner for deferred prosecution;

25 M. Upon proof of Petitioner's successful completion of five years deferral
26 period in this Order, the Court shall dismiss the charges pending against Petitioner.

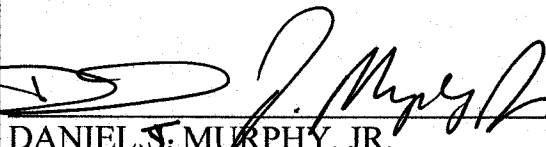
N. Additional conditions:

1. The defendant shall participate as directed in a mental health program approved by the United States Probation Office. The defendant shall not change mental health treatment providers without the prior approval of U.S. Probation. The defendant shall sign a waiver with all treatment providers giving the U.S. Probation Office access to treatment information. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.
2. The defendant shall participate as instructed by the defendant's U.S. Probation Officer in a program approved by the probation office for treatment of narcotic addiction, drug dependency, or substance abuse, which may include testing to determine if defendant has reverted to the use of drugs or alcohol. The defendant shall also abstain from the use of alcohol and/or other intoxicants, and any non-prescribed drugs, during the term of supervision. The defendant must contribute towards the cost of any programs, to the extent the defendant is financially able to do so, as determined by the U.S. Probation Officer.
3. The defendant shall submit her person, property, residence, office, safety deposit box, storage unit, property, or vehicle, to a search conducted by a U.S. Probation Officer or any other law enforcement officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation; the defendant shall notify any other residents that the premises may be subject to searches pursuant to this condition.
4. The defendant shall not drive without a valid license and insurance.
5. The defendant shall only operate a motor vehicle that has a functioning ignition interlock device installed for the first two years of supervision.

DONE IN OPEN COURT this 20th day of July, 2015.

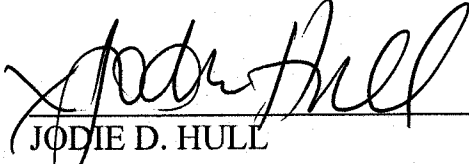

UNITED STATES MAGISTRATE JUDGE

Presented by:


DANIEL S. MURPHY, JR.
Attorney for Petitioner

1 I have received a copy of the foregoing Order of Deferred Prosecution. I have
2 read and understand its contents, and agree to abide by the terms and conditions set
3 forth herein.

4
5 Dated: 7/20/15


JODIE D. HULL
6 Petitioner

7
8 I certify that a copy of this signed Order was mailed to the subject treatment
9 facility, on 7/22/15, 2015. The United States Probation Office was also
10 furnished a copy of this Order.

11 
12 Deputy Clerk